

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Hilda M. Garcia Concepcion*
HILDA M. GARCIA CONCEPCION
Assistant United States Attorney
Southern District of Texas No.3399716
Puerto Rico Bar No. 15494
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McAllen, TX 78501
Telephone: (956) 618-8004
Facsimile: (956) 618-8016
E-mail: Hilda.Garcia.Concepcion@usdoj.gov

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

Acres: 2.749

County: Hidalgo

Grantor: John B. Hardwicke Company

Acreage: 2.749

Being a 2.749 acre (119,732 square feet) parcel of land, being out of Porción 54, being out of a portion of Lot 9-5 of West Sharyland Addition recorded in Volume 1, Page 56, Map Records of Hidalgo County, Texas and being the same tract of land conveyed to John B. Hardwicke Company by Warranty Deed recorded in Volume 925, Page 192, Deed Records of Hidalgo County, Texas ("Tract No. 7"), said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-1-12", said point being at the south corner of a called 4.135 acre tract conveyed to Hardwicke, Hardwicke & Hardwicke, LTD. by Warranty Deed recorded in Instrument No. 2007-1840309, Official Records of Hidalgo County, Texas ("Tract II") and the northwest corner of a called 2.654 acre tract conveyed to Hardwicke, Hardwicke & Hardwicke, LTD. by Warranty Deed recorded in Instrument No. 2007-1840309, Official Records of Hidalgo County, Texas ("Tract I"), said point being in the northeast line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 542, Page 165, Deed Records of Hidalgo County, Texas ("R/W 749-H"), said point having the coordinates of N=16588194.977, E=1037027.263;

Thence: N 44-41-35 W (S 44-29-00 E, Record), with the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, for a distance of 91.07' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-1-11=2117-1" for the **Place of Beginning** and east corner of Tract RGV-MCS-2117, said point being at the east corner of the John B. Hardwicke Company tract, said point being in the northeast line of the "R/W 749-H" river levee right-of-way, the southwest line of the 4.135 acre tract and the south line of Lot 9-5, said point having the coordinates of N=16588259.717, E=1036963.213;


Thence: N 81-25-10 W, departing the southwest line of the 4.135 acre tract, with the south line of the John B. Hardwicke Company tract and the south line of Lot 9-5, over and across the "R/W 749-H" river levee right-of-way, passing at 214.67' the southwest line of the "R/W 749-H" river levee right-of-way, continuing for a total distance of 443.72' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-

1-10=2117-2" for the southwest corner of Tract RGV-MCS-2117, said point being in the south line of the John B. Hardwicke Company tract and the south line of Lot 9-5;

Thence: N 45-02-48 W, over and across the John B. Hardwicke Company tract and Lot 9-5, for a distance of 167.36' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-3=2116-1" for the west corner of Tract RGV-MCS-2117, said point being in the west line of the John B. Hardwicke Company tract and the west line of Lot 9-5;

Thence: N 08-34-50 E, with the west line of the John B. Hardwicke Company tract and the west line of Lot 9-5, passing at 178.76' the southwest line of the "R/W 749-H" river levee right-of-way, continuing for a total distance of 341.27' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-4=2116-15" for the north corner of Tract RGV-MCS-2117, said point being at the north corner of the John B. Hardwicke Company tract, said point being in the west line of Lot 9-5, the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, said point bears S 48-42-09 E, a distance of 2157.07' from United States Army Corps of Engineers Control Point No. 102;

Thence: with the northeast line of the John B. Hardwicke Company tract, the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, the following courses and distances:

- S-43-41-10 E, for a distance of 355.26' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-5" for an angle point of Tract RGV-MCS-2117;
- S-44-33-10 E, for a distance of 371.88' to the **Place of Beginning**. 

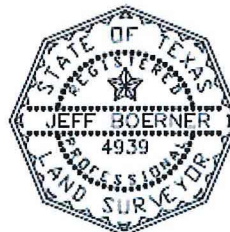
Note: All bearings, distances and coordinates are referenced to the Texas State Plane Coordinate System, South Zone grid (SPCS 4205) NAD'83. Values may be converted to ground values using a combined scale factor of 1.000040000.

Prepared Date 12/21/2018

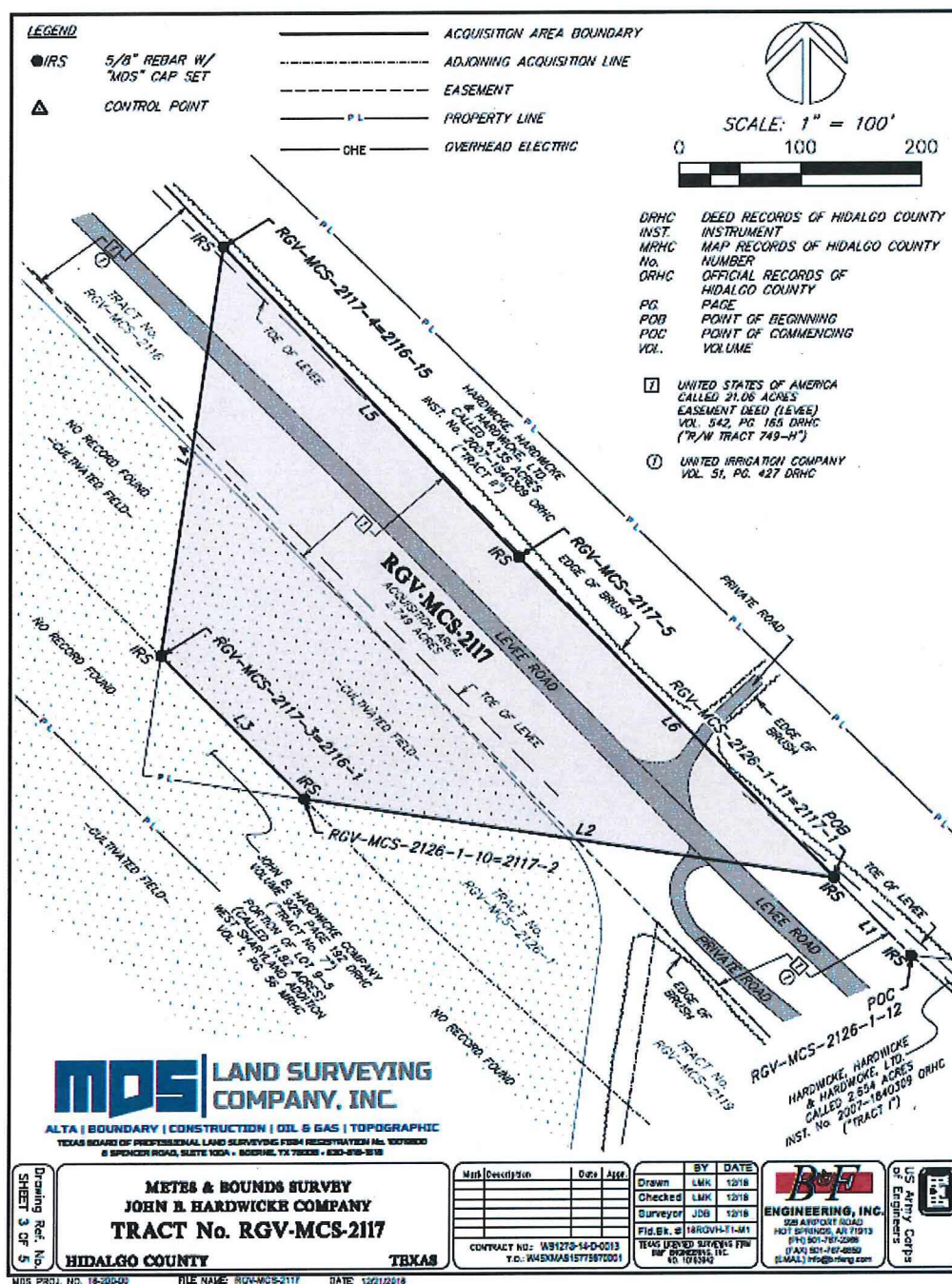
Revision Date _____

Signed _____

MDS Land Surveying Company, Inc.
Jeff Boerner, R.P.L.S. No. 4939



SCHEDULE D

SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED**

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

Acreage: 2.749 acres

SCHEDULE D,

Cont.

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
11	N 44°41'35" W	91.07'	S 44°29'00" E	N/A
12	N 81°25'10" W	443.72'	N/A	N/A
13	N 45°02'48" W	167.36'	N/A	N/A
14	N 05°34'50" E	341.27'	N/A	N/A
15	S 43°41'10" E	355.26'	N/A	N/A
16	S 44°53'10" E	371.88'	N/A	N/A
17	S 48°42'09" E	2157.07'	N/A	N/A

COORDINATE TABLE

MONUMENT NAME	NORTHING	EASTING
RGV-MCS-2126-1-12	16588194.977	1037027.263
RGV-MCS-2126-1-11=2117-1	16588259.717	1036963.213
RGV-MCS-2126-1-10=2117-2	16588325.920	1036524.455
RGV-MCS-2117-3=2116-1	16588444.166	1036408.015
RGV-MCS-2117-4=2116-15	16588761.621	1036456.933
RGV-MCS-2117-5	16588524.723	1036702.312

NOTES

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (420N), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TARRANT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONNECTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 11/7/2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN COMLEY, MPUS (317) 886-1143.

MDS LAND SURVEYING
COMPANY, INC.

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FORM REGISTRATION No. 10759000
8 SPENCER ROAD, SUITE 100A • BOERNE, TX 78009 • 830-878-1878

METES & BOUNDS SURVEY
JOHN B. HARDWICKE COMPANY
TRACT No. RGV-MCS-2117

HIDALGO COUNTY

TEXAS

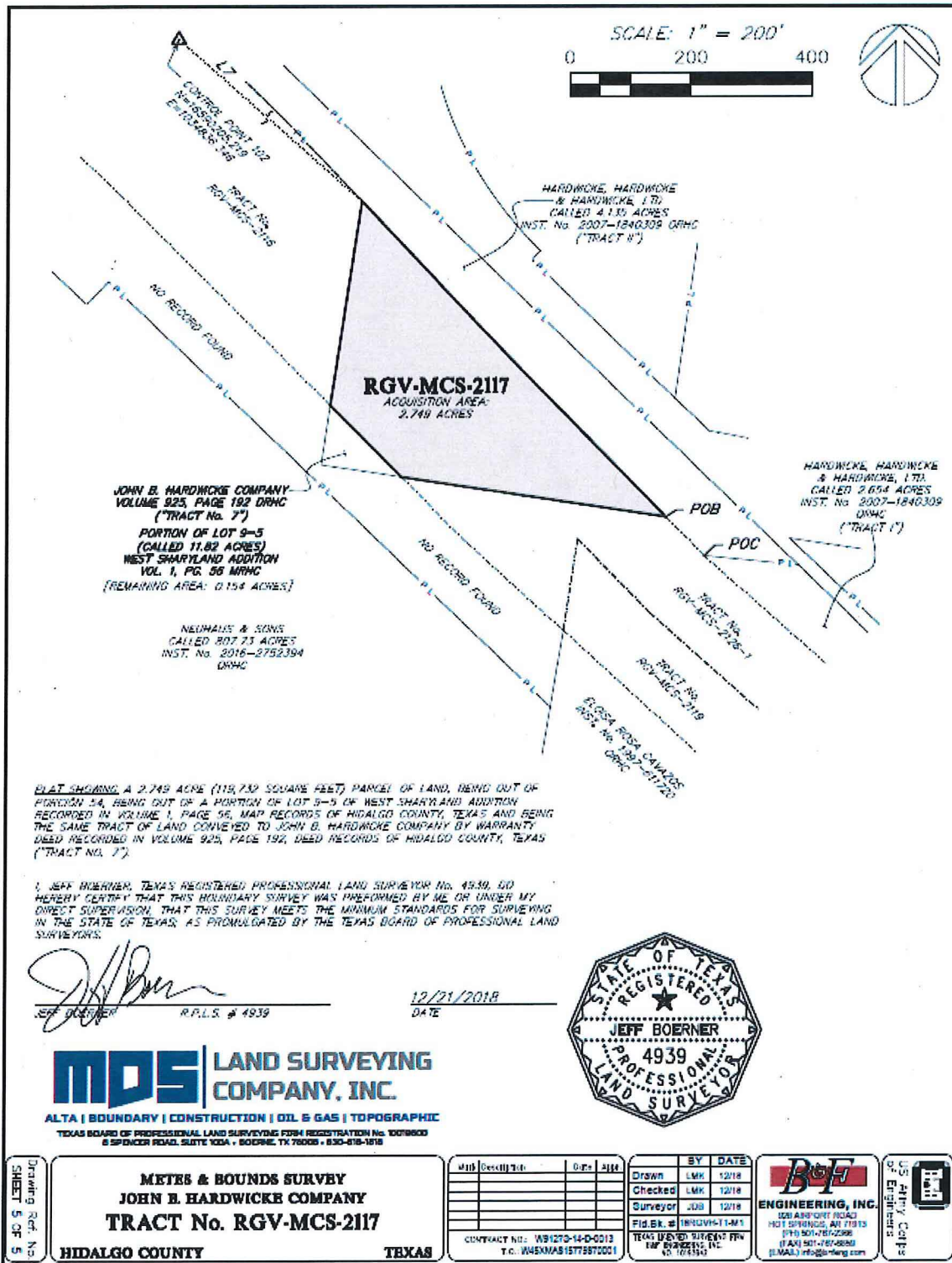
With Description	Date	By

CONTRACT NO.: W81270-14-D-0013
T.O. W45XMAS15775870001

BY	DATE
Drawn	LMN 12/18
Checked	LMN 12/18
Surveyor	JDB 12/18
Field	18RCVH-1-M1
TECH. DESIGNED BY	LMN 12/18

B&F
ENGINEERING, INC.
228 ARDVOY ROAD
HOUSTON, TX 77055
(713) 801-7612
(FAX) 801-761-8000
(E-MAIL) info@bfeinc.com

US Army Corps of Engineers



SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

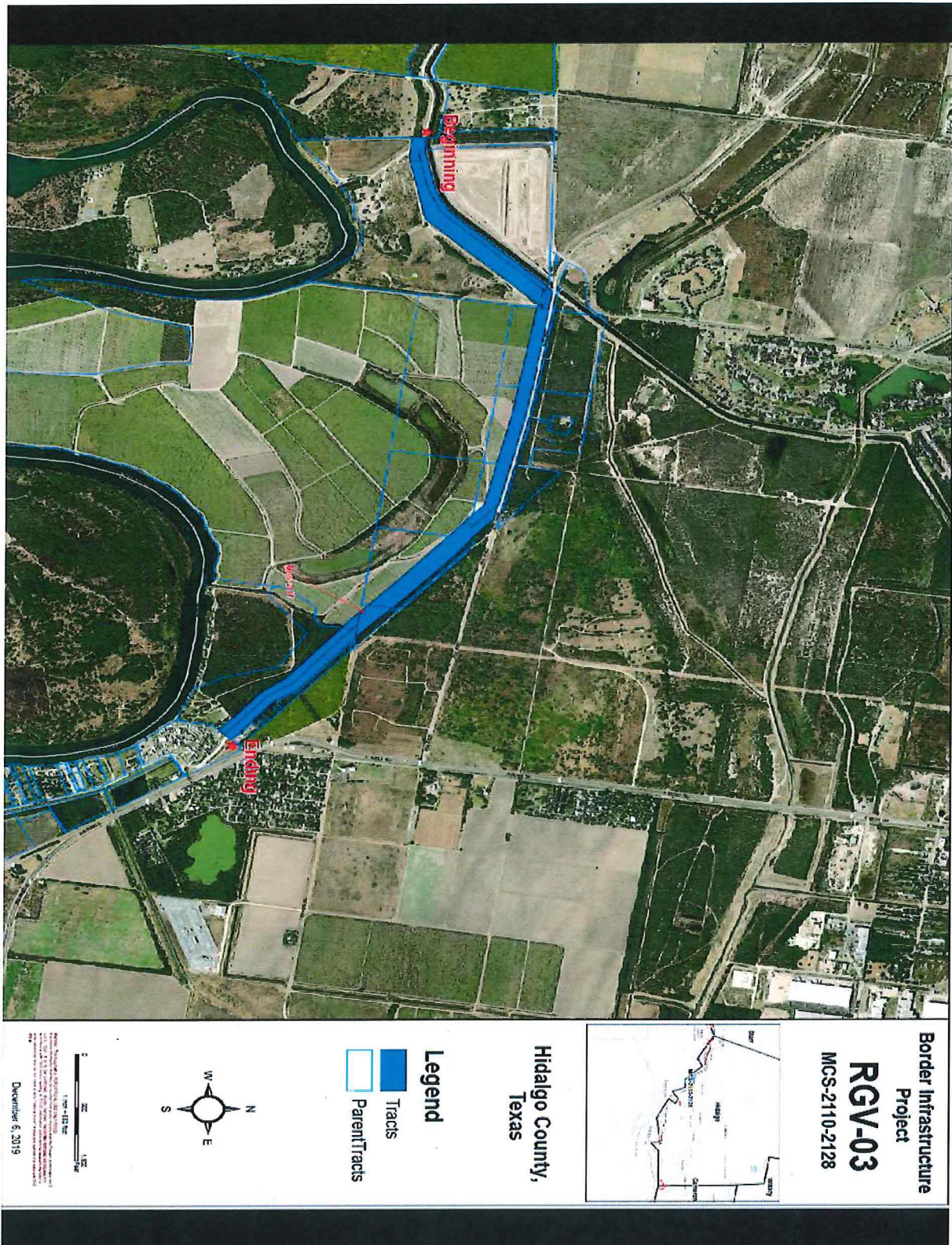
Acres: 2.749 acres

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of lands identified in Warranty Deed Volume 925, Page 192, ("Tract No. 7") Deed Records of Hidalgo County, Texas reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E (cont.)



SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TWENTY-TWO THOUSAND FOUR HUNDRED EIGHTY-NINE DOLLARS AND NO/100 (\$22,489.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party
Helen Catherine Hardwicke Address unknown
Alexandra Elizabeth Hardwicke Address unknown
Mary Irene Hardwicke Olivieri [REDACTED], Tucson, AZ 85743-8609
James Bennett Hardwicke [REDACTED], McAllen, TX 78502-3007
Richard Bruce Hardwicke [REDACTED], McAllen, TX 78502-3007
Sally Ann Hardwicke Brace [REDACTED], McAllen, TX 78502-3007
John B. Hardwicke VI Address unknown
John B. Hardwicke Co. [REDACTED], McAllen, TX 78502-3007
Neuhaus & Sons, [REDACTED] Weslaco, TX 78599
Hidalgo County Pablo (Paul) Villarreal Jr. Tax Assessor-Collector 2804 S. Business Hwy 281 Edinburg, TX 78539 (956) 318-2157

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Hilda M. Garcia Concepción, United States Attorney's Office, SDTX,
1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501

DEFENDANTS

2.749 Acres of Land, More or Less, Situate in Hidalgo County, State of Texas; and J.B. HARDWICKE COMPANY

County of Residence of First Listed Defendant Mission

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Mark Twenhafle

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for temporary easement (right of entry) to survey and conduct testing.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/24/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE